



DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 92

[Docket No. FWS-R7-MB-2021-0172; FXMB12610700000–201–FF07M01000]

RIN 1018–BF65

Migratory Bird Subsistence Harvest in Alaska; Harvest Regulations for Migratory Birds in Alaska During the 2022 Season

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service (FWS, Service, or we) is revising the migratory bird subsistence harvest regulations in Alaska. These regulations allow for the continuation of customary and traditional subsistence uses of migratory birds in Alaska and prescribe regional information on when and where the harvesting of birds may occur. These regulations were developed under a co-management process involving the Service, the Alaska Department of Fish and Game, and Alaska Native representatives. The changes update the regulations to incorporate revisions requested by these partners.

DATES: This rule is effective [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

ADDRESSES: You may find the comments submitted on the proposed rule as well as supplementary materials for this rulemaking action at the Federal eRulemaking Portal: <https://www.regulations.gov> in Docket No. FWS-R7-MB-2021-0172.

FOR FURTHER INFORMATION CONTACT: Eric J. Taylor, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Mail Stop 201, Anchorage, AK 99503; (907) 903–7210.

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SUPPLEMENTARY INFORMATION:

Background

The Migratory Bird Treaty Act of 1918 (MBTA, 16 U.S.C. 703 *et seq.*) was enacted to conserve certain species of migratory birds and gives the Secretary of the Interior the authority to regulate the harvest of these birds. The law further authorizes the Secretary to issue regulations to ensure that the indigenous inhabitants of the State of Alaska may take migratory birds and collect their eggs for nutritional and other essential needs during seasons established by the Secretary so as to provide for the preservation and maintenance of stocks of migratory birds (16 U.S.C. 712(1)).

The take of migratory birds for subsistence uses in Alaska occurs during the spring and summer, during which timeframe when the annual fall/winter harvest of migratory birds is not allowed. Regulations governing the subsistence harvest of migratory birds in Alaska are located in title 50 of the Code of Federal Regulations (CFR) in part 92. These regulations allow for the continuation of customary and traditional subsistence uses of migratory birds and prescribe regional information on when and where the harvesting of birds in Alaska may occur.

The migratory bird subsistence harvest regulations are developed cooperatively. The Alaska Migratory Bird Co-Management Council (Council or AMBCC) consists of the U.S. Fish and Wildlife Service, the Alaska Department of Fish and Game (ADFG), and representatives of Alaska's Native population. The Council's primary purpose is to develop recommendations pertaining to the subsistence harvest of migratory birds.

The Council generally holds an annual spring meeting to develop recommendations for migratory bird subsistence-harvest regulations in Alaska that would take effect in the spring of the next year. In 2021, the in-person spring meeting did not occur due to the coronavirus pandemic. Instead, the Council met virtually via teleconference on April 5, 2021, to approve

subsistence harvest regulations that would take effect during the 2022 harvest season. The Council's recommendations were presented to the Pacific Flyway Council for review and subsequent submission to the Service Regulations Committee (SRC) for approval at the SRC meeting on September 28 and 29, 2021.

Comments Received on the Proposed Rule

Per the collaborative process described above, we published a proposed rule to update the regulations for the taking of migratory birds for subsistence uses in Alaska during the spring and summer (87 FR 14232, March 14, 2022). By the end of the comment period on the proposed rule, we received two comments. We hereby respond to the relevant issues that were raised in the public input. We made no changes to the proposed rule as a result of the input we received via the public comments (see **Final Regulations**, below, for more information).

Issue: One commenter expressed the following sentiments: (i) migratory birds are endangered; (ii) the proposed rule would allow the killing of endangered species; (iii) subsistence harvest of migratory birds is not necessary because subsistence harvesters can survive on food that does not come from animals; (iv) by killing healthy animals, other species take over resources and disrupt the ecosystem; and (v) migratory birds should be protected.

Response: Migratory birds open for harvest during the spring/summer subsistence season in Alaska do not include threatened or endangered species. Annual harvest surveys show that species protected by the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), are not harvested by subsistence hunters. The Service conducted an intra-agency consultation and determined that this rule complies with the ESA (see *Endangered Species Act Consideration*, below, for more information). The Service agrees that subsistence hunters harvest healthy migratory birds; however, there is no evidence that this harvest results in other wildlife species taking food, habitat, or other resources to the detriment of the ecosystem. The comment that people can survive on food that is not animal-based is true; however, the spring/summer migratory bird subsistence harvest in Alaska is of cultural,

traditional, and nutritional importance to Alaska Native peoples and other rural Alaskans. The Service conducts annual population and harvest surveys of migratory birds and establishes hunting regulations to ensure the sustainability of migratory bird populations and that harvest does not result in species becoming vulnerable or any disruptions to the ecosystem.

Issue: A commenter inquired about (i) the boundaries of the Kachemak Bay State Wilderness Park; (ii) use of quota sampling as a survey method to estimate subsistence harvest; and (iii) how these regulations may modernize existing rules and commitments.

Response: The Service revised the previously vague boundaries of the harvest area for the Villages of Nanwalek and Port Graham by referencing specific waypoints, lines of longitude, and boundaries of Game Management Units to define an exact map location. The harvest area includes parts of the Kachemak Bay State Park and Kachemak Bay State Wilderness Park; further, some of the waypoints and boundaries occur at the head of Kachemak Bay at the Fox River Flats in tidal/mud flats and marshland. The boundary occurs in this tidal flat area because the previous definition included the boundary as the “mouth of Fox River.” Given the vagueness of the phrase “mouth of Fox River” in a tidal mud flat, the Service selected a specific latitude/longitude to better define the boundary. The Service now defines the boundary as “the north bank of the Fox River [59°48’57” N; 150°58’44” W].”

The commenter also recommended the Service consider quota sampling to provide timely and accurate harvest information. Quota sampling is a method for selecting survey participants on a non-random basis, i.e., all members of the population do not have an equal chance of being selected to be a part of the sample group. Because quota sampling does not select sample units with a known inclusion probability and all units of the population do not have a known sample probability, the method can be unreliable. Because the non-random element of quota sampling is a source of uncertainty about the nature of the actual sample, the Service believes alternative sampling methods are preferred over quota sampling. Finally, the proposed changes to the regulations will allow publication of maps that are accurate and

reproducible into the future and interpretable by subsistence hunters and law enforcement officials.

Final Regulations

We are making no changes to the regulatory revisions in our March 14, 2022, proposed rule (87 FR 14232) as a result of the input we received via the public comments.

The rule sets forth the same subsistence harvest regulations in subpart D, Annual Regulations Governing Subsistence Harvest, as those from the 2021 subsistence harvest seasons (see 86 FR 11707, February 26, 2021; 86 FR 20311, April 19, 2021) with five clarifications:

Revisions to Subpart A

In part 92, subpart A (general provisions), we clarify the regulations defining excluded areas, which are those areas that are closed to subsistence harvest.

First, we clarify that subsistence hunters whose communities petitioned successfully to be added to the list of included areas appearing at 50 CFR 92.5(a)(2) may harvest migratory birds within the entirety of the subsistence harvest areas designated for their community, including portions of harvest areas that occur within designated excluded areas.

For example, portions of the subsistence harvest areas selected by communities in the Upper Copper River Region listed as eligible under 50 CFR 92.5(a)(2)(i) occur within the Matanuska-Susitna Borough, an excluded area that is otherwise closed to harvest (50 CFR 92.5(b)(2)). The regulations do not specify that these portions of designated harvest areas that occur in excluded areas are, in fact, open to subsistence hunting. To address this issue, we amended 50 CFR 92.5(b) to make an exception to harvest closures in those portions of excluded areas that fall within subsistence harvest areas designated for specific communities that petitioned to be listed as eligible for participation in the spring/summer subsistence hunt (50 CFR 92.5(a)(2)).

This exception would not apply to subsistence harvest areas that have been generally

designated for regions (e.g., Bering Strait Norton Sound Region) or subregions (e.g., Bering Strait Norton Sound Stebbins/St. Michael Area) listed as included areas at 50 CFR 92.5(a).

Second, to clarify the boundaries of areas that are closed to subsistence harvest, we address an apparent inconsistency in some terms used in part 92. The regulations governing subsistence harvest of migratory birds were set forth August 16, 2002 (67 FR 53511). That rule defined the term “village” at 50 CFR 92.4 and also set forth provisions regarding areas that are excluded from eligibility to participate in the subsistence harvest of migratory birds. Under 50 CFR 92.5(b)(2), excluded areas include “[v]illage areas” located in Anchorage, the Matanuska-Susitna Borough, the Kenai Peninsula roaded area, the Gulf of Alaska roaded area, Southeast Alaska, and the Central Interior Excluded Area. The definition of “village” at 50 CFR 92.4 and use of the term “village areas” at 50 CFR 92.5(b)(2) to describe excluded areas has created confusion in determining the boundaries of closed areas. We never intended for the excluded areas set forth at 50 CFR 92.5(b)(2) to be only those portions of those areas that meet the definition of “village” at 50 CFR 92.4. Therefore, we remove the term “village areas” from 50 CFR 92.5(b)(2) to clarify that excluded areas are closed to harvest in their entirety, except those portions that occur within a harvest area that has been designated for a specific community.

Third, we clarify the language defining boundaries of the excluded areas of the Kenai Peninsula roaded area and the Gulf of Alaska roaded area. The geographic boundaries of the Kenai Peninsula roaded area and the Gulf of Alaska roaded area are undefined in the regulations, making the development of usable hunt maps imprecise and ambiguous. The changes to the regulations would allow publication of maps that are accurate and reproducible into the future and interpretable by subsistence hunters and law enforcement officials.

Finally, we are including a needed administrative correction. The Chugach Community of Cordova should have been included in the list of included areas for the Gulf of Alaska region in subpart A following Council action in 2014. The omission of this community from

the regulations was the result of an inadvertent oversight. The Chugach Community of Cordova does appropriately appear in the regulations for eligible subsistence-harvest areas in 50 CFR 92.31(j)(2). Therefore, we are adding the Chugach Community of Cordova to the current list of included areas in 50 CFR 92.5(a)(2)(ii). Similarly, we are clarifying that the Central Interior Excluded Area includes the Fairbanks North Star Borough.

These revisions to the regulations in subpart A are not anticipated to result in a significant increase in harvest of birds and eggs because spring and summer subsistence practices likely occur in these areas at the present time.

Revisions to Subpart D

In 50 CFR 92.31, we clarify the designated harvest area boundaries for the communities of Port Graham and Nanwalek in the Gulf of Alaska Region and for the community of Tyonek in the Cook Inlet Region. Current harvest area definitions in the regulations for these communities are incomplete (that is, they do not describe a complete polygon), and only partially define the boundaries of the harvest areas. The revisions would allow publication of maps that are accurate and reproducible into the future and provide a clear definition of the harvest areas designated for the communities that subsistence hunters and law enforcement officials can interpret and follow in the field.

Compliance with the MBTA and the Endangered Species Act

The Service has dual objectives and responsibilities for authorizing a subsistence harvest while protecting migratory birds and threatened species. Although these objectives continue to be challenging, they are not irreconcilable, provided that: (1) regulations continue to protect threatened species, (2) measures to address documented threats are implemented, and (3) the subsistence community and other conservation partners commit to working together.

Mortality, sickness, and poisoning from lead exposure have been documented in many waterfowl species, including threatened spectacled eiders (*Somateria fischeri*) and the Alaska-breeding population of Steller's eiders (*Polysticta stelleri*). While lead shot has been banned

nationally for waterfowl hunting since 1991, Service staff have documented the availability of lead shot in waterfowl rounds for sale in communities on the Yukon–Kuskokwim Delta and North Slope. The Service will work with partners to increase our education, outreach, and enforcement efforts to ensure that subsistence waterfowl hunting is conducted using nontoxic shot.

Conservation Under the MBTA

We have monitored subsistence harvest for the past 25 years through the use of household surveys in the most heavily used subsistence harvest areas, such as the Yukon–Kuskokwim Delta. Based on our monitoring of the migratory bird species and populations taken for subsistence, we find that this rule will provide for the preservation and maintenance of migratory bird stocks as required by the MBTA. Communication and coordination between the Service, the AMBCC, and the Pacific Flyway Council have allowed us to set harvest regulations to ensure the long-term viability of the migratory bird stocks.

Endangered Species Act Consideration

Spectacled eiders and the Alaska-breeding population of Steller’s eiders are listed as threatened species under the ESA. Their migration and breeding distributions overlap with areas where the spring and summer subsistence migratory bird hunt is open in Alaska. Neither species is included in the list of subsistence migratory bird species at 50 CFR 92.22; therefore, both species are closed to subsistence harvest. Under 50 CFR 92.21 and 92.32, the Service may implement emergency closures, if necessary, to protect Steller’s eiders or any other endangered or threatened species or migratory bird population.

Section 7 of the ESA requires the Secretary of the Interior to review other programs administered by the Department of the Interior and utilize such programs in furtherance of the purposes of the ESA. The Secretary is further required to insure that any action authorized, funded, or carried out by the Department of the Interior is not likely to jeopardize the continued

existence of any endangered species or threatened species or result in the destruction or adverse modification of critical habitat.

The Service's Alaska Region Migratory Bird Management Program conducted an intra-agency consultation with the Service's Fairbanks Fish and Wildlife Field Office. The consultation was completed with a biological opinion issued on March 15, 2022, that concluded these rulemaking actions are not likely to jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. Therefore, we have determined that this rule complies with the ESA.

Immediate Effective Date

This rule takes effect on the date set forth above in **DATES**. Delaying the effective date for 30 days would have detrimental effects on Alaskans seeking to conduct subsistence harvest of migratory birds. To respect the subsistence hunt of many rural Alaskans, either for their cultural or religious exercise, sustenance, and/or materials for cultural use (e.g., handicrafts), the Department of the Interior finds that it is in the public interest to make this rule effective as soon as possible. For these reasons, we find that "good cause" exists within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act and under the authority of the Migratory Bird Treaty Act (July 3, 1918), as amended (16 U.S.C. 703 *et seq.*), to make this rule take effect immediately upon publication in the *Federal Register*.

Required Determinations

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) will review all significant rules. OIRA has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving

regulatory ends. The Executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

Regulatory Flexibility Act

The Department of the Interior certifies that this rule will not have a significant economic impact on a substantial number of small entities as defined under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). A regulatory flexibility analysis is not required. Accordingly, a small entity compliance guide is not required. This rule would legalize a preexisting subsistence activity, and the resources harvested will be consumed.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

(a) Would not have an annual effect on the economy of \$100 million or more. It would legalize and regulate a traditional subsistence activity. It would not result in a substantial increase in subsistence harvest or a significant change in harvesting patterns. The commodities that would be regulated under this rule are migratory birds. This rule deals with legalizing the subsistence harvest of migratory birds and, as such, does not involve commodities traded in the marketplace. A small economic benefit from this rule would derive from the sale of equipment and ammunition to carry out subsistence hunting. Most, if not all, businesses that sell hunting equipment in rural Alaska qualify as small businesses. We have no reason to believe that this rule would lead to a disproportionate distribution of benefits.

(b) Would not cause a major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. This rule does

not deal with traded commodities and, therefore, would not have an impact on prices for consumers.

(c) Would not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This rule deals with the harvesting of wildlife for personal consumption. It would not regulate the marketplace in any way to generate substantial effects on the economy or the ability of businesses to compete.

Unfunded Mandates Reform Act

We have determined and certified under the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*) that this rule would not impose a cost of \$100 million or more in any given year on local, State, or Tribal governments or private entities. The rule would not have a significant or unique effect on local, State, or Tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act is not required. Participation on regional management bodies and the Council requires travel expenses for some Alaska Native organizations and local governments. In addition, they assume some expenses related to coordinating involvement of village councils in the regulatory process. Total coordination and travel expenses for all Alaska Native organizations are estimated to be less than \$300,000 per year. In a notice of decision (65 FR 16405; March 28, 2000), we identified 7 to 12 partner organizations (Alaska Native nonprofits and local governments) to administer the regional programs. The ADFG also incurs expenses for travel to Council and regional management body meetings. In addition, the State of Alaska would be required to provide technical staff support to each of the regional management bodies and to the Council. Expenses for the State's involvement may exceed \$100,000 per year but should not exceed \$150,000 per year. When funding permits, we make annual grant agreements available to the partner organizations and the ADFG to help offset their expenses.

Takings (Executive Order 12630)

Under the criteria in Executive Order 12630, this rule would not have significant takings implications. This rule is not specific to particular land ownership, but instead applies to the harvesting of migratory bird resources throughout Alaska. A takings implication assessment is not required.

Federalism (Executive Order 13132)

Under the criteria in Executive Order 13132, this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. We discuss effects of this rule on the State of Alaska in the *Unfunded Mandates Reform Act* section, above. We worked with the State of Alaska to develop these regulations. Therefore, a federalism summary impact statement is not required.

Civil Justice Reform (Executive Order 12988)

The Department, in promulgating this rule, has determined that it would not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of Executive Order 12988.

Government-to-Government Relations with Native American Tribal Governments

Consistent with Executive Order 13175 (65 FR 67249; November 9, 2000), “Consultation and Coordination with Indian Tribal Governments,” and Department of the Interior policy on Consultation with Indian Tribes (December 1, 2011), we sent letters via electronic mail to all 229 Alaska federally recognized Indian Tribes. Consistent with Congressional direction (Pub. L. 108-199, div. H, Sec. 161, Jan. 23, 2004, 118 Stat. 452, as amended by Pub. L. 108-447, div. H, title V, Sec. 518, Dec. 8, 2004, 118 Stat. 3267), we also sent letters to approximately 200 Alaska Native corporations and other Tribal entities in Alaska soliciting their input as to whether or not they would like the Service to consult with them on the 2022 migratory bird subsistence harvest regulations.

We implemented the amended treaty with Canada with a focus on local involvement. The treaty calls for the creation of management bodies to ensure an effective and meaningful

role for Alaska's indigenous inhabitants in the conservation of migratory birds. According to the Letter of Submittal, management bodies are to include Alaska Native, Federal, and State of Alaska representatives as equals. They develop recommendations for, among other things: seasons and bag limits, methods and means of take, law enforcement policies, population and harvest monitoring, educational programs, research and use of traditional knowledge, and habitat protection. The management bodies involve village councils to the maximum extent possible in all aspects of management. To ensure maximum input at the village level, we required each of the 11 participating regions to create regional management bodies consisting of at least one representative from the participating villages. The regional management bodies meet twice annually to review and/or submit proposals to the statewide body.

Paperwork Reduction Act of 1995 (PRA)

This rule does not contain any new collection of information that requires approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has previously approved the information collection requirements associated with subsistence harvest reporting and assigned the following OMB control numbers:

- Alaska Migratory Bird Subsistence Harvest Household Survey, OMB Control Number 1018–0124 (expires 04/30/2024), and
- Regulations for the Taking of Migratory Birds for Subsistence Uses in Alaska, 50 CFR Part 92, OMB Control Number 1018–0178 (expires 04/30/2024).

*National Environmental Policy Act Consideration (42 U.S.C. 4321 *et seq.*)*

The annual regulations and options are considered in the January 2022 Environmental Assessment, “Managing Migratory Bird Subsistence Hunting in Alaska: Hunting Regulations for the 2022 Spring/Summer Harvest.” Copies are available from the person listed under **FOR FURTHER INFORMATION CONTACT** or at <https://www.regulations.gov>.

Energy Supply, Distribution, or Use (Executive Order 13211)

Executive Order 13211 requires agencies to prepare statements of energy effects when undertaking certain actions. This is not a significant regulatory action under this Executive order; it allows only for traditional subsistence harvest and improves conservation of migratory birds by allowing effective regulation of this harvest. Further, this rule is not expected to significantly affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action under Executive Order 13211, and a statement of energy effects is not required.

List of Subjects in 50 CFR Part 92

Hunting, Treaties, Wildlife.

Regulation Promulgation

For the reasons set out in the preamble, we amend 50 CFR part 92 as set forth below:

PART 92—MIGRATORY BIRD SUBSISTENCE HARVEST IN ALASKA

1. The authority citation for part 92 continues to read as follows:

AUTHORITY: 16 U.S.C. 703–712.

2. Amend § 92.5 by:

- a. Revising paragraph (a)(2)(ii), the first sentence of paragraph (b) introductory text, and paragraphs (b)(2) and (3); and

- b. Adding paragraphs (b)(4) and (5).

The revisions and additions read as follows:

§ 92.5 Who is eligible to participate?

* * * * *

(a) * * *

(2) * * *

(ii) Gulf of Alaska Region—Chugach Community of Chenega, Chugach Community of Cordova, Chugach Community of Nanwalek, Chugach Community of Port Graham, and

Chugach Community of Tatitlek.

* * * * *

(b) *Excluded areas.* Excluded areas are not subsistence harvest areas and are closed to harvest, with the exception of any portion of an excluded area that falls within a harvest area that has been designated for a specific community under paragraph (a)(2) of this section. * * *

* * * * *

(2) The Municipality of Anchorage, the Matanuska-Susitna Borough, the Kenai Peninsula roaded area (as described in paragraph (b)(3) of this section), the Gulf of Alaska roaded area (as described in paragraph (b)(4) of this section), Southeast Alaska, and the Central Interior Excluded Area (as described in paragraph (b)(5) of this section) do not qualify for a spring and summer harvest.

(3) The Kenai Peninsula roaded area comprises the following: Game Management Unit (Unit) 7, Unit 15(A), Unit 15(B), and that portion of Unit 15(C) east and north of a line beginning at the northern boundary of Unit 15(C) and mouth of the Kasilof River at 60°23'19" N; 151°18'37" W, extending south along the coastline of Cook Inlet to Bluff Point (59°40'00" N), then south along longitude line 151°41'48" W to latitude 59°35'56" N, then east to the tip of Homer Spit (excluding any land of the Homer Spit), then northeast to the north bank of Fox River (59°48'57" N; 150°58'44" W), and then east to the eastern boundary of Unit 15(C) at 150°19'59" W.

(4) The Gulf of Alaska roaded area comprises the incorporated city boundaries of Valdez and Whittier, Alaska.

(5) The Central Interior Excluded Area comprises the following: The Fairbanks North Star Borough and that portion of Unit 20(A) east of the Wood River drainage and south of Rex Trail, including the upper Wood River drainage south of its confluence with Chicken Creek; that portion of Unit 20(C) east of Denali National Park north to Rock Creek and east to Unit 20(A); and that portion of Unit 20(D) west of the Tanana River between its confluence with the

Johnson and Delta Rivers, west of the east bank of the Johnson River, and north and west of the Volkmar drainage, including the Goodpaster River drainage. The following communities are within the Excluded Area: Delta Junction/Big Delta/Fort Greely, McKinley Park/Village, Healy, Ferry, and all residents of the formerly named Fairbanks North Star Borough Excluded Area.

* * * * *

3. Amend § 92.31 by revising paragraphs (j)(3) introductory text and (k)(1) to read as follows:

§ 92.31 Region-specific regulations.

* * * * *

(j) * * *

(3) Kachemak Bay Area (Harvest area: That portion of Game Management Unit [Unit] 15[C] west and south of a line beginning at the northern boundary of Unit 15[C] and mouth of the Kasilof River at 60°23'19" N; 151°18'37" W, extending south along the coastline of Cook Inlet to Bluff Point [59°40'00" N], then south along longitude line 151°41'48" W to latitude 59°35'56" N, then east to the tip of Homer Spit [excluding any land of the Homer Spit], then northeast to the north bank of the Fox River [59°48'57" N; 150°58'44" W], and then east to the eastern boundary of Unit 15[C] at 150°19'59" W) (Eligible Chugach Communities: Port Graham, Nanwalek):

* * * * *

(k) * * *

(1) Season: April 2–May 31—That portion of Game Management Unit 16(B) west of the east bank of the Yentna River, south of the north bank of the Skwentna River, and south of the north bank of Portage Creek to the boundary of Game Management Unit 16(B) at Portage Pass; and August 1–31—That portion of Game Management Unit 16(B) west of longitude line 150°56' W, south of the north banks of the Beluga River and Beluga Lake, then south of

latitude line 61°26'08" N.

* * * * *

Shannon A. Estenoz,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2022-13403 Filed: 6/28/2022 8:45 am; Publication Date: 6/29/2022]